REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3, 5-13, and 15-20 are pending, Claims 1, 3, 5, 11-13, and 15-20 having been amended, and Claims 2, 4, and 14 having been canceled without prejudice or disclaimer. Support for the amendments to Claims 1, 3, 5, 11, and 20 is found, for example, in original Claims 2 and 4. Applicants respectfully submit that no new matter is added.

In the Official Action, Claims 17-19 were objected to; Claims 1-20 were rejected under 35 U.S.C. §112, second paragraph; Claims 11-20 were rejected under 35 U.S.C. §101; Claims 1-20 were rejected under 35 U.S.C. §112, first paragraph; Claims 1, 2, 4-6, 11-14, 16, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Natarajan et al. (U.S. Patent No. 6,505,244, hereinafter Natarajan) in view of Weisman et al. (U.S. Patent No. 7,171,475, hereinafter Weisman); and Claims 3, 7-10, 15, and 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Natarajan in view of Weisman, and further in view of Evans (U.S. Patent No. 5,694,524).

With respect to the objection to Claims 17-19, the phrase "by reference to" is replaced by "with" as suggested by the outstanding Office Action. Applicants respectfully submit that this ground of objection is overcome.

With respect to the rejection of Claims 1, 11, and 20 under 35 U.S.C. §112, second paragraph, the phrase "referenced to" is replaced with "including." Support for this amendment is found, for example, in Applicant's Fig. 3. Applicant respectfully submits that this ground of rejection is overcome.

With respect to the rejection of Claims 11-20 under 35 U.S.C. §101, these claims are amended to remove the reference to a method. Amended Claims 11-20 do not overlap two

10

different statutory classes. Applicants respectfully submit that this ground of rejection is overcome.

With respect to the rejection of Claims 1-20 under 35 U.S.C. §112, first paragraph, "teleconference" is replaced by "conference." Applicant's Fig. 1 shows both video conference equipment (i.e., endpoints and MCU's) and a video conference network (i.e., network 10, and page 2, lines 2-3 discusses video conference calls and video conference devices).[1] Applicants respectfully submit that this ground of rejection is overcome.

Applicant thanks the Examiner for contacting Applicant's representative on or around November 12, 2007 to discuss this application. During this discussion, the Examiner indicated that amending Claim 1 to include the subject matter of Claims 2 and 4 would be allowable. Accordingly, the present amendment amends Claim 1 to include the subject matter of Claims 2 and 4. The other independent claims are similarly amended.

Claim 4, the subject matter of which is now in Claim 1, was rejected as unpatentable over Natarajan in view of Weisman. Amended Claim 1 recites,

> A method for modeling video conferencing network reliability, the method comprising:
>
> obtaining historical data for multiple video conferences;
> storing said historical data in a call history table, said historical data including video conferencing equipment vendor or model identification information;
>
> executing a modeling algorithm that produces a model representing the historical data, which includes executing a decision tree algorithm;
>
> analyzing the model to identify characteristics associated with undesirable outcomes for the video conferences;
>
> configuring a video conferencing network to avoid at least one of the identified characteristics associated with undesirable outcomes; and

---

[1] Video conference calls and video conference devices will inherently use a video conference network.

> conducting a new video conference with the video
> conferencing network configured to avoid at least one of the
> identified characteristics associated with undesirable outcomes.

Natarajan and Weismann, taken alone or in proper combination, do not disclose or suggest

every element of amended Claim 1.

Natarajan describes a method and device for implementing a feedback based data

network which is able to automatically and dynamically monitor characteristics of various

aspects of the network and to adapt to changing network conditions by dynamically and

automatically modifying selected network parameters in order to achieve a desired

performance level.[2] Network elements of Natarajan are interconnected so that control actions

performed on one network element can affect other network elements. Natarajan discloses a

network model which is able to accommodate the multivariable nature of networks and to

implement a control scheme wherein information from at least a portion of the related

network elements is collected before a management or control decision is made at a particular

network element.[3]

The feedback based adaptive network of Natarajan uses a technique wherein at least a

portion of the network elements report network information related to network conditions to a

centralized storage entity 252. The reported data corresponds to information relating to the

current conditions or status of each of the reporting network elements in the network.[4] The

information reported to data store 252 is analyzed by a policy engine 254. The policy engine

254 includes a plurality of application specific plug-in policies for analyzing application

specific information, and for computing updated control information based on the analysis of

the information. The updated control information may include information, parameters

and/or actions which may be used to affect the operation of one or more network elements.

---

[2] Natarajan, column 2, lines 15-22.
[3] Natarajan, column 6, lines 49-65.
[4] Natarajan, column 13, lines 13-15 ("storing current network operations").

The updated control information is then fed back to selected network elements to thereby affect operation of the selected elements and/or network. Changed operating parameters are reported to the data store 252 and analyzed by policy engine 254. Policy engine 254 may generate new or updated control information thereby providing a dynamic feedback mechanism to automatically reconfigure the network and to cause the network to conform to desired performance criteria.[5]

However, Natarajan does not disclose or suggest analyzing "historical data for multiple video conferences" "to identify characteristics associated with undesirable outcomes for the video conference" and "conducting *a new video conference* with the video conferencing network configured to avoid at least one of the identified characteristics associated with undesirable outcomes." Rather than using information that is stored in data store 252 to conduct a new video conference, Natarajan describes that the information stored in data store 252 is used to modify parameters for a current video conference.

When rejecting previous Claim 4, the Office Action relied on Fig. 17 of Natarajan. However, Fig. 17 of Natarajan does not describe or suggest "conducting *a new video conference* with the video conferencing network configured to avoid at least one of the identified characteristics associated with undesirable outcomes." Element 1702 of Natarajan indicates that a video conference is initiated. The outstanding Office Action cites to elements 1720, 1724, 1726, and 1728 of Fig. 17 to justify the rejection of previous Claim 4. However, elements 1720, 1724, 1726, and 1728 merely describe evaluating a current policy, and dynamically modifying the current policy. This is all done during the call initiated at block 1702. There is no "conducting a new video conference" that avoids the problem determined by elements 1720, 1724, 1726, and 1728 of Natarajan.

---

[5] Natarajan, column 7, lines 11-43.

When rejecting Claim 4, the Office Action also cites to col. 2, lines 15-43 of Natarajan. However, this section of Natarajan merely describes retrieving information during a current video conference, and updating control information based on the retrieved information for that current video conference. This is no disclosure or suggestion of conducting a new video conference that is configured to avoid the problem encountered during the current video conference.

Thus, Natarajan does not disclose or suggest the claimed "conducting a new video conference with the video conferencing network configured to avoid at least one of the identified characteristics associated with undesirable outcomes."

Furthermore, Weisman does not cure the above-note deficiencies in Natarajan. Weisman does not disclose or suggest the claimed "conducting a new video conference with the video conferencing network configured to avoid at least one of the identified characteristics associated with undesirable outcomes." Rather, Weisman relates to peer network protocols.
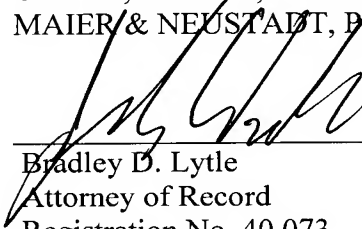
As none of the cited prior art, individually or in combination, disclose or suggest all the elements of independent Claims 1, 11, and 20, Applicants submit the inventions defined by Claims 1, 11, and 20, and all claims depending therefrom, are not rendered obvious by the asserted references for at least the reasons stated above.[6]

---

[6] MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Accordingly, in view of the present amendment and in light of the previous

discussion, Applicants respectfully submit that the present application is in condition for

allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Bradley D. Lytle
Attorney of Record
Registration No. 40,073
Joseph Wrkich
Registration No. 53,796

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)
I:\ATTY\JW\263550US\2635500US_AM DUE 2-13-07.DOC